

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

March 3, 2015

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

ROLL CALL: Berlin Boyd, William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Bill Morrison, Jim Strickland and Chairman Myron Lowery

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor John Yarbrough from Balmoral Baptist Church. Councilman William Boyd presented Pastor Yarbrough with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of February 17, 2015 with the following motion:

MOTION: Ford
SECOND: Hedgepeth
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery
Fullilove recused

APPROVED

5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 1780 GETWELL ROAD, CONTAINING 2.21 ACRES IN THE COMMERCIAL MIXED USE-3 (CMU-3) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.** (Held from 2/17)

Case No. SUP 14-238

Held until March 17, 2015

Chairman Lowery read Items 22 through 24 into the record, which were add-on items.

17. **ORDINANCE AMENDING THE TAXI ORDINANCE, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5578 SPONSORED BY COUNCILMAN KEMP CONRAD AND COUNCILMAN MYRON LOWERY.** (Held from 1/6; 1/20; 2/3; 2/17)

Held until March 17, 2015

18. **ORDINANCE TO SET FOURTH UNIFORM REQUIREMENTS FOR TRANSPORTATION NETWORK SERVICES; TO DEFINE TRANSPORTATION NETWORK SERVICES, APPLICATIONS, COMPANIES, AND OPERATORS AND TO CREATE REGISTRATION PROVISIONS FOR OPERATORS; AND TO PROVIDE FOR OTHER RELATED MATTERS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5569 IS SPONSORED BY COUNCILMAN KEMP CONRAD AND CO-SPONSORED BY COUNCILMAN MYRON LOWERY.** (Held from 11/4; 11/18; 1/6; 1/20; 2/3; 2/17)

Held until March 17, 2015

1. **PRESENTATION OF THE CITY COUNCIL HUMANITARIAN AWARD.** (Held from 2/17)

MOTION: Strickland
SECOND: Lowery

APPROVED, by unanimous voice vote

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF RIVERDALE ROAD AND KINGS CROWN DRIVE, CONTAINING 14.97 ACRES OF VACANT LAND GOVERNED BY KING'S POINTE PLANNED DEVELOPMENT, AMENDED (P.D. 00-314CC). THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.** (Held from 1/20; 2/3)

Case No. PD 14-308cc

Applicant: Sal Krown Investments, LLC
Bray-Davis Firm, LLC (David Bray) – Representative

Request: Plan amendment to allow 220 units of townhomes and multi-family apartments, including a clubhouse and outdoor recreation amenities

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED, as amended in Committee

3. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 4033 RALEIGH MILLINGTON ROAD 254 +/- FEET SOUTH OF THE SOUTH LINE OF TESSLAND AVENUE, CONTAINING 24.173 ACRES IN THE RESIDENTIAL SINGLE-FAMILY (R-8) DISTRICT.**

Case No. SUP 14-212cc

Chairman Lowery recognized the following persons who spoke from the audience:

Diane Davis, 4480 St. Elmo, Memphis, TN 38128
Kevin Lee Brooks, 4732 Kenmar Cv., Memphis, TN 38128
Reginald Davis, 4049 Tessland Rd., Memphis, TN 38128
Beth Henderson, 4026 Twin Lakes Dr., Memphis, TN 38128
Pastor Robert Lowery, 4088 St. Elmo, Memphis, TN 38128
Mary Phebus, 3638 Dagmar, Memphis, TN 38128
Dempsey Sailes, 4048 Twin Lakes Dr., Memphis, TN 38128

Applicant: Elaine Currie
Delinor D. Smith – Smith Building Design & Associates, Inc. – Representative

Request: Cemetery

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins
SECOND: W. Boyd
NAYS: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

FAILED

4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 1808 CHELSEA AVENUE; 287 FEET WEST OF MCLEAN STREET, CONTAINING 2.1 ACRES IN THE RU-3 DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. SUP 14-237

Applicant: Rachael Wilborn and Roy Antoine
Jerry Johnson – Representative

Request: Secondary material dealer

LUCB and OPD recommendation: APPROVAL

No Opposition at LUCB; No Public Hearing Required

MOTION: Collins
SECOND: B. Boyd
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

6. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR MICROTTEL INN AND SUITES LOCATED AT 2423 N. GERMANTOWN PARKWAY, MEMPHIS, TN 38016. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. HMW 14-07

MOTION: Collins
SECOND: Morrison
AYES: W. Boyd, B. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

CONSENT AGENDA – Items 7, 8 and 22 may be acted upon by one motion: SEE PAGE 3239 FOR ROLL CALL

7. **RESOLUTION APPROVING FINAL PLAT OF HOUSTON LEVEE TRAILS P.D., 1ST ADDITION, 3RD AMENDMENT, PHASE 9.**

Case No. PD 11-309
Contract No. CR-5226

Resolution approves the final plat located on the east side of Houston Levee, south of Highway 64. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

APPROVED

8. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 15-301 – Speedway Store #100409
- B. Case No. SUP 14-240

Public Hearing Set for March 17, 2015

22. **RESOLUTION APPROVING FINAL PLAT OF TOURNAMENT CENTER P.D., PHASE 6.**

Case No. PD 09-305
Contract No. CR-5227

Resolution approves the final plat located on the north side of Tournament Drive; 1,475 feet west of Hacks Cross Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Morrison
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
Hedgepeth, Morrison and Chairman Lowery
Strickland did not cast a vote

APPROVED

MLGW FISCAL CONSENT – Items 9-15 may be acted upon by one motion:

9. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11675, PROFESSIONAL ENGINEERING SERVICES FOR THE WATER ENGINEERING AND OPERATIONS DEPARTMENT, WITH SSR TO, IN THE FUNDED AMOUNT OF \$350,000.00. (THE INITIAL TERM OF THE CONTRACT WAS FOR ONE YEAR FROM THE DATE OF THE NOTICE TO PROCEED WITH AN OPTION OF FOUR ANNUAL RENEWALS. THE NOTICE TO PROCEED FOR THIS CONTRACT WAS ISSUED ON JANUARY 7, 2015.**

THIS CHANGE ESTABLISHES THE 2015 DESIGN SERVICES PROJECTED FUNDING. THE TERM OF THIS CONTRACT WILL REMAIN THROUGH JANUARY 6, 2016.)

APPROVED

10. **RESOLUTION APPROVING AN INVOICE PAYMENT REQUEST TO DNV-GL DBA KEMA, INCORPORATED, UNDER CONTRACT NO. C1829, JOINT UTILITIES PROJECT CONSULTING SERVICES, IN THE FUNDED AMOUNT OF \$2,131.93.**

APPROVED

11. **RESOLUTION AWARDING A THIRTY-SIX MONTH CONTRACT TO MAINTSTAR, INCORPORATED, FOR SUPPORT OF WATER ENGINEERING & OPERATIONS' COMPUTERIZED MAINTENANCE MANAGEMENT SOFTWARE, IN THE AMOUNT OF \$42,316.09.**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11314, ARMED CAR SERVICES, WITH LOOMIS ARMORED US, INCORPORATED, IN THE FUNDED AMOUNT OF \$133,000.00. (THE INITIAL TERM OF THE CONTRACT WAS FOR 60 MONTHS WITH OPTIONS OF AUTOMATIC ANNUAL RENEWALS. HOWEVER, THE MLGW BOARD OF COMMISSIONERS AT ITS DECEMBER 17, 2009 MEETING APPROVED A RESOLUTION FOR THIS CONTRACT COVERING A 60-MONTH TERM WHICH ENDS FEBRUARY 28, 2015. THIS CHANGE IS TO EXTEND THE CURRENT CONTRACT TERM FOR AN ADDITIONAL ONE YEAR PERIOD IN THE FUNDED AMOUNT OF \$133,000.00 COVERING THE PERIOD MARCH 1, 2015 THROUGH FEBRUARY 28, 2016. TO PREVENT A LAPSE IN THE ARMORED CAR PICK-UP/DEPOSIT SERVICES, THIS CHANGE ALSO APPROVES, AFTER THE FACT, THE CONTINUATION OF SERVICES FROM MARCH 1, 2015 TO MARCH 17, 2015.)**

APPROVED

13. **RESOLUTION REQUESTING APPROVAL OF LMCG INVESTMENTS, A SMALL CAP GROWTH MANAGER, TO MANAGE APPROXIMATELY \$7,000,000.00 FOR THE BENEFIT OF THE MLGW OPEB TRUST FUND, AS PART OF A REALLOCATION.**

APPROVED

14. **RESOLUTION REQUESTING APPROVAL OF CHANNING CAPITAL MANAGEMENT, A SMALL CAP VALUE MANAGER, TO MANAGE APPROXIMATELY \$7,000,000 FOR THE BENEFIT OF THE MLGW OPEB TRUST FUND, AS PART OF A REALLOCATION.**

APPROVED

15. **RESOLUTION AWARDING A TWENTY-FOUR MONTH CONTRACT TO WINDOW BOOK, INCORPORATED, FOR SOFTWARE LICENSE RENEWAL IN THE AMOUNT OF \$23,874.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: W. Boyd
 SECOND: Ford
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

23. **RESOLUTION TO TEMPORARILY FUND MATA \$4,500,000.00 TO AVOID CONSEQUENCES OF A CASH FLOW SHORTFALL. THIS RESOLUTION IS SPONSORED BY ADMINISTRATION.**

Councilman Strickland requested same night minutes for this item. Chairman Lowery asked if there was any objection. There was no objection.

MOTION: Strickland
 SECOND: Morrison
 AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

16. **APPOINTMENTS**

MEMPHIS & SHELBY COUNTY CENTER CITY REVENUE FINANCE CORPORATION

Appointment

Bobbie S. Gillis

Re-Appointments

Marija Nelson
 Walter O. Person
 Carla Peacher-Ryan
 Brandy Johnson-Ward

MOTION: Flinn
SECOND: Morrison
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED

19. **ORDINANCE TO ESTABLISH THE BEALE STREET TOURISM DEVELOPMENT AUTHORITY PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 7-69-1-1 AND THE CHARTER OF THE CITY OF MEMPHIS, TENNESSEE, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5580 IS SPONSORED BY COUNCILMAN KEMP CONRAD AND COUNCILMAN EDMUND FORD, JR.**

Friendly Amendment: Move to increase the Board of Directors from 9 members to 11 members

MOTION: B. Boyd
SECOND: Fullilove

Chairman Lowery asked if there was any opposition to this friendly amendment. There was no opposition. Friendly amendment was accepted.

MAIN MOTION: Halbert
SECOND: Strickland

Councilman Collins presented a substitute ordinance. Chairman Lowery asked if there was any opposition to the substitute ordinance. There was no opposition.

Attorney Wade proposed 4 members having 1 year term, 3 members having 2 year terms and 4 members having 3 year terms. Chairman Lowery asked if there was any opposition to this recommendation. There was no opposition. After further discussion of staggered terms, Chairman Lowery stated that he had the solution. What we could say is that the tourism businesses would not serve on the same rotation schedule.

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert,
Hedgepeth, Morrison, Strickland and Chairman Lowery

APPROVED, as amended. Ordinance substituted

20. **RESOLUTION TO ADOPT PENSION FUNDING POLICY FOR CITY OF MEMPHIS GENERAL EMPLOYEES. THIS RESOLUTION IS SPONSORED BY ADMINISTRATION.**

MOTION: Strickland
SECOND: Morrison

The above motion moved the item on the floor

MOTION: Strickland – Delay to May 19, 2015

SECOND: Flinn

Chairman Lowery objected to holding this item until May 19, 2015. The vote below was taken.

AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Morrison, and Strickland

NAYS: Chairman Lowery
Halbert and Hedgepeth did not cast a vote

APPROVED, item held until May 19, 2015

21. **RESOLUTION TO ADOPT PENSION FUNDING POLICY FOR MEMPHIS LIBRARY AND INFORMATION CENTER EMPLOYEES. THIS RESOLUTION IS SPONSORED BY ADMINISTRATION.**

MOTION: Strickland – Delay until May 19, 2015

SECOND: W. Boyd

Chairman Lowery asked if there was any objection to delaying this item. There was no objection.

APPROVED, item held until May 19, 2015

24. **RESOLUTION AMENDING THE FY 2015 CAPITAL IMPROVEMENT BUDGET BY ADDING AN ADDITIONAL \$1,500,000.00 IN G.O. BONDS TO BE USED FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS IN WHITEHAVEN AS PART OF THE SOUTHBROOK MALL REDEVELOPMENT PROJECT. THIS RESOLUTION IS SPONSORED BY COUNCILMAN HAROLD COLLINS AND COUNCILWOMAN JANIS FULLILOVE.**

MOTION: Ford – Whatever money that the City puts in, that the developer acquires an insurance policy greater than or equal to the amount that the City of Memphis places for them to do this business and should they not complete this project or file bankruptcy, that insurance policy will indemnify the City of Memphis so that we can be paid back on this money.

SECOND: W. Boyd

MOTION WITHDRAWN

After conversation from Councilwoman Halbert, she stated that Councilman Ford's motion would be proper and in order for the second phase of the project.

**Chairman Lowery asked Councilman Ford if he wanted to withdraw his motion.
Councilman Ford withdrew his motion until the second phase of the project comes up.**

MOTION: Brown
SECOND: Collins
AYES: W. Boyd, Brown, Collins, Ford, Fullilove, Halbert, Morrison and Chairman
Lowery
NAYS: Conrad, Flinn and Strickland
B. Boyd recused
Hedgepeth did not cast a vote

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of March 3, 2015 for item 23 only with the following motion:

MOTION: Ford
SECOND: Morrison
AYES: B. Boyd, W. Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Morrison,
Strickland and Chairman Lowery
Halbert and Hedgepeth did not cast a vote

APPROVED, set up as Special Item #1

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Lowery recognized the following person who spoke from the audience:

Walter Broady, III, 4256 Ledbetter Cove, Memphis, TN 38109
Vincent Hatch, 8169 Waterford Cr., Memphis, TN 38125
Min. Suhkara Yahweh, 870 E. McLemore, Memphis, TN 38106

ADJOURNED MEETING AT 5:42 P.M.

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records